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EXAMINER

WONG, JOSEPH D

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/848,748	Applicant(s) CHRISTENSEN ET AL.	
	Examiner Joseph D. Wong	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This responds to an amendment filed on January 18, 2007. Claims 1-21 are amended. Claim 11 is interpreted as applicant intended to invoke means plus function language under 35 U.S.C. 112, 6th paragraph.

Response to Arguments

Applicant is correct that the Examiner meant to use 35 USC 102(e). The Examiner regrets the misunderstanding caused by the typographical error.

With respect to applicant's argument that claim 11 would overcome a 35 U.S.C. 101 rejection if interpreted using MPEP 2181-2184 would overcome a 35 U.S.C. 101 rejection, Examiner disagrees. Reconsideration of the applicant's preferred embodiment in paragraphs 25-37 appear directed to a collection of algorithmic, software, and non-functional descriptive matter. Accordingly, the rejection is maintained.

Applicant's arguments regarding prior art rejections are considered. Applicant argues that Aupperle recites 'mere conversions of data strings rather than the claimed conversion of "user requests"'. Examiner respectfully disagrees. The Examiner notes that Aupperle is also an example of a user requesting to login in Fig. 9 and the conversion targets are illustrated in Fig. 4. Aupperle further illustrates a user login in multiple locations (see Figures 7,8, 11 and 12D).

Applicant alleges that the applied reference of Lai fails to meet the requirements of MPEP 2131 without isolating precisely which requirement is not met. Applicant has not responded to the rejection that Lai meets the requirements of claim 1.

Applicant's arguments against inherency are rendered moot by the amendment because the amended claims do not require JAVASCRIPT.

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With respect to applicant's arguments that "means-plus-function" interpretation was not properly applied, applicant has not responded to the allegation that the claim limitations read upon the prior art. While applicant argues that obligations of MPEP 2181-2184 are not met without discussing a distinguishing structure or function from specification as necessarily overcoming the prior art. Accordingly prior art rejections are maintained.

Claim Rejections - 35 U.S.C. § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is directed to an apparatus. This claimed subject matter lacks a practical application of a judicial exception (abstract idea) since it fails to produce a useful and tangible result.

The claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for "permitting means", "offering means", "converting means", "modifying means" which when construed according to instant specification paragraphs [25-37] recite software or algorithmic capabilities instead of a positively recited result. Thus the claim is held nonstatutory.

Applicant's invocation of 35 USC 112, sixth paragraph did not overcome this ground of rejection.

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Applicant can look to MPEP § 2106.01-2106.02 (August 2006), Interim Guidelines, and contemporary case law with a matching fact pattern for further suggestions that may be helpful in overcoming these rejections.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 11, and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Aupperle, et al. "Integrating legacy application/data access with single sign-on in a distributed computing environment", US Pre-Grant Patent Application 2004/0098595. (hereinafter Aupperle)

For claims 1, 6, 11, and 21, Aupperle teaches:

1. An apparatus comprising:
 - a. a terminal (see fig. 1, item 110) which generates a user request (see fig. 1, item 120, also [0058] "SSL to initiating secure connection") in a standardized object-based command language; (see [0088], "Simple Object Access Protocol")

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b. a legacy (see [0118] "legacy application" and fig. 17, item 1755) data base ([0118]) management system responsively coupled to said terminal (see fig. 1, item 110, "terminal 3270 client") which honors said user request by execution of a non-standardized command language (see [0085]) to produce a result from a dataset;

c. a conversion facility (see [0066]) for conversion of said standardized object-based command language ([0066] HTML) to said non-standardized command language; (TN3270) and d. a facility responsively coupled to said legacy data base management system ([0009] IBM IMS(r)) which prepares said result (see [0007] conversion from row and column mappings to a [0011] VT ASCII terminal) for transfer to said terminal (see plurality of terminals fig.1, and browser based terminal fig.17) and which modifies said dataset if and only if specified in said service request (inherent with the data pull model).

6. A method of utilizing a user terminal to access a legacy data base

management system employing a non-standardized command language comprising: a. transmitting a service request (see fig.5, invention capable of playing back macro recorded) in a standardized object-based command language (see [0066] HTML

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inherently includes JavaScript) from said user terminal requesting access (see fig. 1, item 100, terminal emulation) to said legacy data base management system ([0009] IBM IMS(r));

b. receiving said service request (see fig.5 for login macro) by said legacy data base management system ([0009] IBM IMS(r));

c. converting said service request in said standardized object-based command language (e.g. HTML inherently includes commands) into said non-standardized command language (see [0009] CICS and IMS);

d. honoring said service request by executing said non-standardized command language ([0009] IMS) to access a dataset by said legacy digital data base management system ([0009] CICS and IMS); and

e. modifying (see [0018] for capability of changing password) said dataset (password) if indicated by said service request (see fig.5).

11. An apparatus comprising:

a. permitting means (see fig.5 single sign on macro window) for permitting a user to transfer a service request defined by a standardized object-based command language; (see Fig.5 for HTML)

b. offering means responsively coupled to said permitting means via

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said publicly accessible digital data communication network ([0043] "Web environment") for offering legacy data base management services ([0009] IBM IMS(r)) involving access to at least one dataset having a non-standard scripted command language;

c. converting means responsively coupled to said offering means for converting said service request from said standardized object-base command language ([0090]

"http://wdvl.com/Authoring/HTML/Head/Meta/HTTP.html") to said non-standardized scripted command language; ([0009] IBM CICS and IMS(r)) and

d. modifying (see [0017]) "changes are synchronized") means responsively coupled to said offering means for modifying said dataset if so indicated by said service request.

21. An apparatus for accessing a database comprising:

- a. a user terminal (see fig.1, terminal TN3270) which generates a user request in a JavaScript like standardized object-based command language (fig. 2. HTML) which specifies a dataset;
- b. a legacy data base management system responsively coupled to said user terminal via a publicly accessible digital data communication network ([0051] implied by use of one-time pass

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tickets and publicly accessible web) which honors said user request by execution of a non-standardized command language to produce a result from said dataset;

c. a conversion facility for conversion of said standardized object-based command language (see fig. 12f, item 1270, SOAP) to said non-standardized command language; ([0009] IBM CICS and IMS(r))

d. a facility responsively coupled to said legacy data base management system which prepares said result (see fig. 12g, SOAP envelope) for transfer to said user terminal (terminal 3270 emulator) and which modifies said dataset if and only if (can be interpreted as not limiting with comprising) specified in said service request.

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lai, Ray Y., "Structured methodology and design patterns for web", US Pre-Grant Patent Application 2005/0044197. (hereinafter Lai)

For claims 1-10, Lai teaches:

1. An apparatus comprising:

a. a user terminal (see e.g. Fig. 20, client-tier: left-most image of telephone, cell phone, PDA user terminal, Fig. 20,

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bottom, branch trading workstations) which generates a user request (see Fig. 11, "Service Requester -> Query Services") in a standardized object-based command language (see e.g. Paragraph [0005], "Java Web Services Developer Pack™" and Fig. 21, WAP);

b. a legacy (see Fig. 20, "Legacy Systems e.g. Mainframe") data base management system (see Fig. 21, "Database") responsively coupled (see Fig. 17, bidirectional arrows from consumer domain to service provider domain) to said user terminal which honors said user request by execution of a non-standardized command language (see Fig. 21, Proprietary Stock Exchange e.g. JASDAO) to produce a result (Fig. 21, "Trade Settlement") from a dataset (see Fig. 20, "Databases: Data Warehouse, Customer Account Master Common Data, Trade Data");

c. a conversion facility (see e.g. paragraph [0993], resource adapter, [1000], "SOAP-JMS bridge") for conversion (see [0992] "Resource Adapter") of said standardized object-based command language (See Fig. 14, SOAP) to said non-standardized command language (see [0992] "CIS"), ; and

d. a facility responsively coupled to said legacy (see Fig. 20, "Legacy Systems e.g. Mainframe") data base (Fig. 21, "Database")

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management system (see [0992] CICS and SAP R/3) which prepares said result (see [0993] data result may be placed in the common area) for transfer to said user terminal and which modifies said dataset (see [1004] "XML...reduces the development effort to parse relational database data results to XML and vice versa") if and only if specified in said service request (see [1003], "...eased accessing and updating data from a real-time Web Services calls").

2. The apparatus of claim 1 wherein said user terminal (see e.g. Fig. 20, client-tier: left-most image of telephone, cell phone, PDA user terminal) is coupled to said legacy (see Fig. 15, "Legacy Systems") data base management system via a publicly accessible digital data communication network (see Fig. 20, "Via Internet VPN").

3. The apparatus of claim 2 wherein said user request (see [1123], customer B requests an FX quote from Firm A) specifies said dataset (see [1123], "Firm A responds with an FX quote").

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4. The apparatus of claim 3 wherein said publicly accessible digital data communication network further comprises the Internet (see Fig. 20; "...Internet...").

5. The apparatus of claim 4 wherein said standardized object-based command language (see [0424], "not limited to, browsers, rich clients {such as Java SWING client}) further comprises a commonly available command language.

6. A method of utilizing a user terminal (see e.g. Fig. 20, client-tier: left-most image of telephone, cell phone, PDA user terminal, Fig. 20, bottom, branch trading workstations) to access a legacy (see Fig. 20, "Legacy Systems e.g. Mainframe") data base (see Fig. 21, "Database") management system (see [0992] CICS) employing a non-standardized command language (see [1013] "legacy FX trading engine and securities accounting back-office systems may not support fpML") comprising:

a. transmitting (see [1269] "transmit the transaction") a service request in a standardized object-based command language

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([1269] "SOAP") from said user terminal requesting access to said legacy data base management system (see [1015] "legacy FX");

b. receiving([1015] "custom adapter to receive the fpML") said service request by said legacy data base management system ([1015] "legacy FX");

c. converting ([1015] "custom adapter to receive the fpML") said service request in said standardized object-based command language ("fpML") into said non-standardized command language (see [1098] "TIBMercury Foreign Exchange trading");

d. honoring said service request (see [1400] "Once the Web Services Consumer finds the required business service, the system may bind the service endpoint and invoke the business service") by executing said non-standardized command language to access (see [1400] "FX Spot Rate Quote Service") a dataset (see Fig. 20, "Databases: Data Warehouse, Customer Account Master Common Data, Trade Data") by said legacy digital data base management system (see [0992] "CICS"); and

e. modifying ([1098] "it can update its back-end") if indicated by said service request ([1098] "trade"; "Upon successful

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execution, Customer B pays and settles with Firm A") said dataset (see Fig. 20, "Databases: Data Warehouse, Customer Account Master Common Data, Trade Data").

7. A method ([0330] "using SOAP administration to map the data fields") according to claim 6 wherein said dataset (see Fig. 21, "Database") is specified by said service request (see [0330] "select a business service, which may be an existing Transaction Processing system or legacy system functionality").

8. A method according to claim 7 wherein said transmitting step occurs over a publicly accessible digital data communication network (see Fig. 20, "...Internet...").

9. A method according to claim 8 wherein said publicly accessible digital data communication network further comprises the Internet (see Fig. 20, "...Internet...").

10. A method according to claim 9 wherein said standardized object-based command language (see [0424], "not limited to, browsers, rich clients {such as Java SWING client}) further comprises JavaScript (Examiner asserts that JavaScript is

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inherent to the web browser per Microsoft Computer Dictionary,
4th ed., p.253).

Claims 11-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Baranowski et al., "Travel Market Broker System", US Pre-Grant Patent Application 2004/0260581. (hereinafter Baranowski)

For claims 11-15, Baranowski teaches:

11. An apparatus comprising:

- a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language;
- b. offering (see [0043] "reverse auction") means responsively coupled (see [0041] "users may interact with the system via any input device") to said permitting means via said publicly accessible digital data communication network (see [0041] "internet") for offering legacy data base management services ([0017] "SABRE system, Amadeus, Galileo/Apollo, System One, and WorldSpan") involving access to at least one dataset (e.g. [0022] "airline databases, car and hotel databases, train

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and bus databases, frequent flyer systems") having a non-standard scripted command language ([0023] e.g. "DB2 by IBM" implements a non-standard IBM proprietary command language);

c. converting means responsively coupled to said offering means for converting said service request from said standardized object-base command language ([0030] e.g. HTML ..., various forms, Java applets, JavaScript, [0022] Java2) to said non-standardized scripted command language ([0023] DB2); and

d. modifying means ([0017] "reservation") responsively coupled to said offering means for modifying said dataset ([0022] "travel booking databases") if so indicated by said service request ([0043] "update to reflect the reservation of the service and, as appropriate, to facilitate a reduction of the inventory...").

12. An apparatus (see figure 2, item 270 booking engine) according to claim 11 wherein said dataset ([0022] "airline databases, car and hotel databases, train and bus databases, frequent flyer systems..., and the like") is specified by said service request ([0036] "air, car rental, hotel, rail, limousines, cruise lines, conference centers, ferries").

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13. An apparatus (see figure 2, item 270 booking engine) according to claim 12 further comprising means located within said permitting means for generating a second service request ([0043] "transmitting configuration information or indicia to consumer").

14. An apparatus according to claim 13 wherein said offering means further comprises a commercially available data base management system (interpreted to include "DB2" or "Oracle", [0023]). (Note this rejection was necessitated by amendment to claim 14)

15. An apparatus according to claim 14 wherein said permitting means further comprises an industry standard personal computer (see Baranowski [0041] "the invention could be used with ... personal computer, operating system as ... Windows NT, this is an art accepted equivalent of industry standard personal computer at the time of invention). (Note this rejection was necessitated by amendment to claim 14)

16. In a data processing system having a user terminal (see claim 1, "point of service terminal") which generates a service

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request ([0006] "transaction") in a standardized object-based command language ([0028] e.g. "Java applets") responsively coupled to a legacy data base management system (see [0003], "SABRE™, Amadeus, Galileo/Apollo, System One, and Worldspan systems") which accesses a dataset ([0032] direct connections to various vendor databases (e.g., air, car rental, hotel, rail limousines, cruise lines, and conference centers, and ferries) to honor (the inherent purpose of a vendor's reservation is to be able to honor it) said service request ("transaction") by executing a non-standardized command language (note SABRE commands are inherently proprietary and differ from say Amadeus commands), the improvement comprising:

a. a conversion facility responsively coupled to said legacy data base management system which converts said service request ([0027] "from employees, companies, or other entities") from said standardized object-based command language ([0030] e.g. "Java applets") to said non-standardized command language (see SABRE); and

b. a facility which modifies ([0027] "modifying") said dataset (e.g. data set annotation) only if indicated by said service request ([0027] "permit access to specific data sets").

17. The improvement according to claim 16 wherein said dataset (vendor database) is specified by said service request ([0028] "header or trailer may be received by a stand alone interaction device configured to add, delete, modify, or augment the data").

18. The improvement according to claim 17 wherein said user terminal ([0022] "POS terminal users") is responsively coupled to said legacy data base management system (SABRE) via a publicly accessible digital data communication network (see [0022] "internet").

19. The improvement according to claim 18 wherein said publicly accessible digital data communication network further comprises the Internet (see [0022] "internet").

20. The improvement according to claim 19 wherein said standardized object-based command language (see [0030] e.g. Java applets) further comprises JavaScript (see [0030] preferred embodiment uses JavaScript).

Conclusion

Applicant's arguments regarding claim rejections were carefully considered and were held non-persuasive. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If applicant still believes there is patentable subject matter within the disclosure and has reasons why those differences define over the prior art, then applicant can look to MPEP § 324 IV (August 2006) and 37 CFR 1.114 for additional suggestions that may be helpful for overcoming the finality of this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mon.-Thur. 8AM - 5:30PM and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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